

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
June 1, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, June 1, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Miss Kristina Hyatt, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

## **PRESENTATIONS**

### INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Shepperd welcomed and introduced the following newly appointed members appointed to York County Boards and Commissions, and presented them with a Boards and Commissions Handbook and York County pin:

Jennifer Carver  
Jan Briede

Historic Yorktown Design Committee  
Stormwater Advisory Committee

### YORK COUNTY YOUTH COMMISSION

#### Quarterly Report

Aneesh Venkat, Chairman of the 2003-2004 Youth Commission, presented the Board with the Commission's final quarterly report on its accomplishments during the year. The Commission did a follow-up on the findings of the Commission's Survey 2002. In May suggestion boxes were placed in the high schools, and polo shirts were purchased for Commissioners to wear to school to increase visibility of the Commission. Town Hall meetings in the high schools were organized and hosted by the Commission for first time, which provided an opportunity for direct communication between the students and local government. He thanked the Board of Supervisors, stating he hoped the town hall meetings will continue. On May 7 the Commission hosted the second high school talent show, which was an opportunity to showcase local talent and a means for all students to socialize. The Commission was active in the Adopt-A-Highway program with its clean up of Goodwin Neck Road. Mr. Venkat summed up by stating the Commissioners had a great year and a lot of fun, and relationships forged. He expressed his hope that the Commission fulfilled its mission. He wished new Commissioners the best of luck, and he thanked the Board of Supervisors for the opportunity to serve.

Chairman Shepperd announced that Aneesh will be the valedictorian at York High this year and will be going to Harvard. He noted the York County Youth Commission members serve as the mouthpiece of the youth of the community, and the Board gets the opportunity to understand what is new and what is desired by the youth. There are 15 students from grades 9-12, and the Board had tremendous applicants this year. Chairman Shepperd stated it is a tremen-

dous responsibility that the Commissioners take on, and it is a good opportunity to do good things for the community.

#### Commendation of 2003-2004 Youth Commissioners

Chairman Shepperd read aloud excerpts from the resolution commending the members of the 2003-004 York County Youth Commission, and he and Vice Chairman Burgett presented each outgoing member with a signed, sealed, and bound copy of the resolution.

#### Introduction of the 2004-2005 Youth Commissioners

Chairman Shepperd introduced the members of the newly appointed 2004-2005 York County Youth Commission, and Vice Chairman Burgett presented each of them with a York County pin.

#### COMMUNITY EMERGENCY RESPONSE TEAM (CERT) PROGRAM

Stephen P. Kopczynski, Fire Chief, made a presentation on the Community Emergency Response Team (CERT) program which just completed its first year. He indicated that 38 individuals have graduated from the program, and 5 others have attended portions. He noted that the 38 individuals represent 27 different neighborhoods in the county. He stated the CERT program has increased emergency awareness for citizens and businesses and offers another level of protection for the community. It helps citizens to prepare for emergencies from individual, family, and community perspectives through training the public to help themselves and their neighbors until trained help arrives. Chief Kopczynski described the various aspects of the program and how it is set up to meet the program's goals. He announced that the next course will start on June 16, and interested residents of the county can call the Department of Fire and Life Safety at 890-3600 to sign up for a class. He also recognized staff involved in the program, and he asked the graduates from the past year to stand and be recognized.

#### TOURISM PROGRAM

Mrs. Anne B. Smith, Director of Community Services, indicated an overview of tourism promotion activities would be provided tonight. She noted that much has been accomplished with numerous partnerships in the community. She spoke of the focus of the program this past year for the greater village of Yorktown and the County as a whole, stating an excellent foundation is now in place to move from promotion to developing and staging events. Mrs. Smith stated the lead responsibility belongs to the Tourism and Events Coordinator, Kristi Olsen, who will provide the Board with a more detailed overview of activities of the past year and the many promotional materials generated.

Ms. Kristi Olsen provided a summary of tourism promotion and marketing of events for Yorktown, explaining the different websites used. She reviewed the advertising campaign, noting there are ad placements for 10-12 publications annually. Ms. Olsen also reviewed the cooperative programs the County has with the attractions and museums in Yorktown, as well as discounts given by area shops. She stated that last year 300 Passport to Yorktown tickets were sold in the three months of the program. She then discussed the familiarization tours that are given, explaining the variety of activities that are provided to the attendees to familiarize them with what Yorktown has to offer to tourists. She provided sample bags to the Board members that are given out at the familiarization tours. Ms. Olsen then noted she attends 12-15 travel shows per year to promote exposure for York County. The Fife and Drum Corps has provided complimentary performances to cruise ships docking in Yorktown and have now booked paid performances on the ships. There have been many cooperative advertising efforts open to York County businesses making advertising more affordable for the businesses and the County. She noted that the July-August issue of Hampton Roads Magazine has a 16-page spread. Ms. Olsen then reviewed the many brochures and flyers that are being developed and

published, which include the event calendar, the Trolley calendar, and the Historic Map and Guide. She noted that the Public Information Office staff provides significant technical support and design expertise for the brochures. Riverwalk Landing efforts are underway with a website and brochure, and there are promotional flyers for events and functions. She noted the success of The Gallery and Sights and Sounds of Yorktown at York Hall. She indicated she also coordinates activities for cruise ship arrivals, as well as promotional efforts for the Watermen's Museum. Ms. Olsen concluded her presentation discussing future events/activities for Yorktown in 2005, and she showed 60-second ad being shown in hotel rooms in York County, Newport News, and Virginia Beach.

Mrs. Noll asked if there is any way to track the results of these advertisements in the various publications.

Ms. Olsen stated she is doing a couple of things to track the results. Many publications will offer a reader service program where the reader can call in to get brochures, and they are sent to the Public Information Office to send out tourist packets. She noted that a sign-in book in The Gallery is used, and Sharon Owen, manager of The Gallery, said people are telling her they found out about The Gallery on television. Ms. Olsen stated there are different ways to track the different ads.

#### **CITIZENS COMMENT PERIOD**

No one appeared before the Board at this time.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett stated that he will try to get to the Board over the next few weeks some information on what may have to be changed in terms of the County's ordinances due to the actions of this year's General Assembly session. He indicated he did not feel there should be very much, and staff will look at the authorities given to local governments and prepare amendments to the York County Code as necessary. Mr. Barnett indicated he will be out of the office on Friday.

Chairman Shepperd noted Mr. Barnett had already sent the Board a reminder about next year's legislative program.

Mr. Barnett stated he has already received an inquiry from the Virginia Association of Counties (VACo) which is getting ready for the 2005 session. He indicated he has gotten some feedback from the Board, but if there is anything the Board wants VACo to put in its program, he asked that the Board members let him know what it is.

Chairman Shepperd asked when will the Board put together its legislative package.

Mr. Barnett indicated that typically it has been done about October; but the more time the General Assembly has to deal with the County's requests, the better off the County will be. He stated many of the committees meet during the year for more in-depth review of local requests for legislation.

Discussion followed on timing for submission of the County's legislative program to the County's legislative delegation.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds stated the plantings that were part of the wetlands mitigation project were completed last Sunday with a total of 48 volunteers and staff members who participated. They planted nearly 10,000 plants at Charles Brown Park. He expressed appreciation to the volunteers and all the staff who were involved. He then reminded the Board that it has only one

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more meeting scheduled this month on June 15, and the only regular meeting scheduled in July is scheduled for July 20.

Chairman Shepperd asked Mr. McReynolds to look into what legal requirements have to be met to reschedule the July Regular Meeting to July 13.

Mr. McReynolds indicated he would check on the requirements, but he was sure it would have to be advertised.

Meeting Recessed. At 7:54 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:04 p.m. the meeting was reconvened in open session by order of the Chair.

## **PUBLIC HEARINGS**

### **CONVEYANCE OF DEED OF EASEMENT**

Mr. Barnett made a brief presentation on proposed Resolution R04-91 to authorize the execution of a deed conveying to Mid-Atlantic Communities, LLC, a 20-foot temporary construction easement across property owned by the County in Charles Brown Park. He asked the Board to also consider two minor amendments, one being to add the words "and bridges" after the word "trails" in the third WHEREAS clause, and the second amendment being to add the words "and a covered community bulletin board," after the word "Park" in the third WHEREAS clause.

Chairman Shepperd asked if this will comply with the wetlands laws.

Mr. Barnett indicated it would.

Mr. Zaremba asked if there is some set of standards against which staff evaluates this kind of offer.

Mr. John Hudgins, Director of Environmental and Development Services, stated what Mid-Atlantic has proposed is to provide amenities that the County has already identified as being needed in the Lackey mitigation project, and it has offered to do some of these needed amenities in exchange for the construction easement for its project. He stated the site plan is being reviewed by staff, so compliance is being met with all County ordinances.

Mr. Zaremba indicated that site plans are nice, but they do not spell out the specifications of how things are going to be built. He asked if there are any set standards for the developer to meet when they are building these amenities.

Mr. Hudgins stated the site plan details the cross section of the areas to be developed. The site plan also defines the standards.

Mr. Bowman agreed that the temporary easement will help mitigate the wetlands, but he asked who will be responsible for their maintenance after the trails and bridges are designed and built.

Mr. Hudgins stated that normally the drainage easements can be either the responsibility of the homeowners' association or the County, depending on how they interface with other areas of the County. It will probably be that of the homeowners' association if the easement is entirely within the subdivision.

Discussion followed regarding responsibility for the easement.

Mr. Lamont Myers, representing Mid-Atlantic Communities, stated he feels the proposal is a good example of a public/private partnership. He explained the aspects of the project, stating

that in exchange for the easement, Mid-Atlantic has volunteered to fund a wetlands interpretive area, and there will be no BMPs on County property. He stated it was a nice way to meld their project with the County's need to mitigate the wetlands at Charles Brown Park.

Chairman Shepperd then called to order a public hearing on proposed Resolution R04-91 which was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED CONVEYING TO MID-ATLANTIC COMMUNITIES, LLC, A 20' TEMPORARY CONSTRUCTION EASEMENT ACROSS PROPERTY OWNED BY THE COUNTY IN CHARLES BROWN PARK, TAX MAP PARCEL NO. 17-00-00-075

There being no one present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Mr. Zaremba moved the adoption of proposed Resolution R04-91(R) that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED CONVEYING TO MID-ATLANTIC COMMUNITIES, LLC, A 20' TEMPORARY CONSTRUCTION EASEMENT ACROSS PROPERTY OWNED BY THE COUNTY IN CHARLES BROWN PARK, TAX MAP PARCEL NO. 17-00-00-075

WHEREAS, Mid-Atlantic Communities, LLC, is in the process of developing a subdivision adjacent to property owned by the County in Charles Brown Park, being Tax Map Parcel No. 17-00-00-075; and

WHEREAS, in order to implement the subdivision's drainage plan, Mid-Atlantic Communities, LLC has requested that the County convey a 20' temporary construction easement across said property as shown on a plat entitled "Plat of Easement Conveyance From: County of York, To: Mid-Atlantic Communities, LLC, Project: Temporary Construction Esm't." dated April 19, 2004, made by C. E. Newbaker, and which plat is attached to the County Attorney's report to the Board dated May 5, 2004; and

WHEREAS, as compensation for the easement, Mid-Atlantic Communities, LLC, has agreed to construct and connect mulched pedestrian trails and bridges to the existing trail system in Charles Brown Park, and a covered community bulletin board, as part of the development of Maple Terrace; and

WHEREAS, following a duly advertised public hearing, this Board has determined that it is in the public interest to convey such an easement.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of June, 2004, that the County Administrator is authorized to execute a deed conveying to Mid-Atlantic Communities, LLC, a 20' temporary construction easement as shown on the above-referenced plat, subject, however, to confirmation that the obligation of Mid-Atlantic Communities, LLC, or its successor to furnish the promised amenities shall be binding, such deed of easement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd  
Nay: (0)

#### APPLICATION NO. SE-13-04, OMNIPOINT COMMUNICATIONS

Mr. Carter made a presentation on Application No. SE-13-04 requesting a special exception to authorize an exemption to the height regulations of the Zoning Ordinance to allow a 30-foot

height increase for the replacement of an existing 150-foot guyed telecommunications tower with a 180-foot monopole tower located at 5608 Mooretown Road.

Mrs. Noll asked if the tower will collapse within itself or fall over.

Mr. Carter indicated the tower will fall, but it has been designed to withstand serious winds. The property it could fall on would be owned by the applicant or the City of Williamsburg.

Discussion followed regarding the tower being a brand new tower versus adding 30 feet to the existing tower.

Mr. Nathan Holland, representing the applicant, stated the existing tower on the property is 30 years old and was not built for today's needs. He stated Omnipoint proposes to replace it with a taller tower which will provide for other co-locators on the tower. He stated if it were to fall, the tower may fall a little onto the vacant property, but only the top 60-70 feet of the tower would break and fall. He noted they had never had a monopole fall.

Mr. Shepperd then called to order a public hearing on Application No. SE-13-04 which was duly advertised as required by law. Proposed Resolution R04-96 is entitled:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS PRESCRIBED FOR THE IL-LIMITED INDUSTRIAL ZONING DISTRICT TO ALLOW REPLACEMENT OF A 150-FOOT GUYED COMMUNICATIONS TOWER WITH A 180-FOOT SELF-SUPPORTING MONOPOLE TOWER LOCATED AT 5806 MOORETOWN ROAD

There being no one present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R04-96 that reads:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS PRESCRIBED FOR THE IL-LIMITED INDUSTRIAL ZONING DISTRICT TO ALLOW REPLACEMENT OF A 150-FOOT GUYED COMMUNICATIONS TOWER WITH A 180-FOOT SELF-SUPPORTING MONOPOLE TOWER LOCATED AT 5806 MOORETOWN ROAD

WHEREAS, Application No. SE-13-04 requests a Special Exception, pursuant to Section 24.1-231(b) of the Zoning Ordinance, to authorize an exemption to the height regulations for the IL-Limited Industrial zoning district to allow replacement of a 150-foot guyed communications tower with a 180-foot self-supporting monopole communications tower on property located at 5806 Mooretown Road and further identified as Assessor's Parcel No. 5-14-B and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and the staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of June, 2004, that Application No. SE-13-04 be, and it is hereby, approved to authorize a Special Exception to allow replacement of a 150-foot guyed communications tower with a 180-foot self-supporting monopole communications tower on property located at 5806 Mooretown Road and further identified as Assessor's Parcel No. 5-14-B, subject to the following conditions:

1. This Special Exception shall authorize the replacement of a 150-foot guyed communications tower with a 180-foot self-supporting monopole communications tower on prop-

erty located at 5806 Mooretown Road and further identified as Assessor's Parcel No. 5-14-B.

2. Any ground mounted equipment or control buildings shall be depicted on a site plan prepared in accordance with all applicable requirements of the York County Zoning Ordinance and shall comply with all applicable setback and design requirements applicable in the IL-Limited Industrial zoning district.
3. Said tower shall comply with all applicable federal regulatory and permitting requirements.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd  
Nay: (0)

#### APPLICATION NO. PD-15-03, MCCAILE DEVELOPMENT CORPORATION

Mr. Carter made a presentation on Application No. PD-15-04 requesting amendment of the conditions of approval for the Colony Pines Planned Development to be located on approximately 127.6 acres of land on the north side of Denbigh Boulevard at the Newport News City line approximately 1.95 miles west of the intersection of Denbigh Boulevard and Route 17. He noted one change to the proposed ordinance, requesting that Lot 75 should read "Lot 78" in paragraph 7 of the Residential Area Design Parameters. The Planning Commission considered the original application and forwarded it to the Board of Supervisors with a recommendation of denial, but staff recommended approval of the application, which no longer requests reduced building spacing, through the adoption of proposed Ordinance No. 04-10(R).

Mr. Burgett asked where else in the County is there a lot coverage of 35 percent.

Mr. Carter indicated he did not believe there were any. He stated there are a number of developments currently approved, but none at 35 percent.

Mr. Burgett asked that by increasing the size of the house, what will be the difference in looking at one on these lots.

Mr. Carter indicated he did not believe there will be any difference in looking at it since the spacing will be at least 20 feet in either case. He noted there is a strong demand for single story homes.

Mr. Bowman asked Mr. Carter to confirm that the distance off the property lines will not change.

Mr. Carter indicated Mr. Bowman was correct.

Mr. Zaremba noted that school enrollment was a topic of discussion when this application was first approved, and he asked why it is not an issue now.

Mr. Carter stated the Board is not considering whether or not the project will be approved. The project has already been approved, but the school population should be about half of what it would have been when the project was originally approved.

Discussion followed regarding the reduced number of homes for the project from that of the original approval, and the fact that the developer will continue to market the lots under his existing approval whether or not the Board approves the amended conditions. The Board also discussed the issue of affordable housing, and it was noted that the amendments would not have any impact, that the price for the homes will be far above what would be determined as affordable housing.

Mr. Dan Quarles, attorney representing the applicant, indicated he was present to represent the applicant in the place of Mr. Millner who was unable to be present. He noted that Wayne Harbin and Mike Pickett, the builders for the development, might be of more help in answering questions. Mr. Quarles then addressed some of the Board's concerns, noting there have been significant changes from the approval for the development in the 1990s. Given the reduction of 405 lots to 225, he stated this has been thrust on the developer because of the wetlands. Even if the lot area of these 37 lots, which are the only ones impacted by the amendment, is increased, it will still be a much less dense development. Some of the lots are so large that the houses will probably not use up the entire 25 percent. Overall, he stated the development will end up with an average lot coverage of less than 25 percent.

Chairman Shepperd then called to order a public hearing on Application No. PD-15-03 which was duly advertised as required by law. Proposed Ordinance No. 04-10(R) is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO AMEND THE  
CONDITIONS OF APPROVAL FOR THE COLONY PINES PLANNED  
DEVELOPMENT TO BE CONSTRUCTED ON APPROXIMATELY  
127.6 ACRES ON THE NORTH SIDE OF DENBIGH BOULEVARD  
(ROUTE 173)

Mr. Mike Pickett, 209 Jara Lane, addressed the school issue, stating that by allowing homes with 35 percent lot coverage, there will be one-story homes which are very popular with older families who do not have school age children. He then stated lot coverage is not simply the amount of living square footage; it is the overall dimension of the house, including porches and garages. Mr. Pickett noted the developer gave up 179 lots, and it has actually become a cluster development. The overall coverage will probably be significantly less than 25 percent, and the builders who have signed contracts have agreed to contribute to the amenities the developer has promised.

There being no one else present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mrs. Noll indicated she still did not have a compelling reason to change the 25 percent lot coverage even though there are not that many homes involved. She asked if the Board would prefer to wait and talk to Mr. Millner who might be able to provide more information.

Mr. Burgett stated this development has been on the books since 1993, and he was very concerned with the side yard requirement which has been taken care of by this application. He noted there is always a danger in breaking new ground, but times change. He stated the homes will have 10 foot side yards on each side, and the increase to the house will be to the back yard. Mr. Burgett stated he feels the reasoning for the application is sound.

Mr. Zaremba stated he feels going to 35 percent lot coverage on 37 houses is not a major issue. He stated he feels the questions on the issues have been answered, and the Board should vote on the application.

Mr. Bowman expressed his agreement with Mr. Zaremba, and stated he feels the Board can vote on the application at this time. He stated he likes the idea of planned developments, although based on the original proposal, a lot of things have changed. He noted he was curious as to the price range of the development and how many will be in the affordable housing category. Mr. Bowman stated he would like to see the designs, and he feels the developer will do a fine job.

Chairman Shepperd noted his concern regarding the affordable housing issue. With the large number of homes that have been cut out from the original project, he stated he did not see how there could be any affordable housing units. He addressed his concern about the precedent-setting aspect of this application, but the planned development is great because it provides the flexibility to mix recreational with residential and commercial. Mr. Shepperd suggested that perhaps staff should go back and review why the County's standard is 25 percent. He stated he was not in favor of reconsidering the application at another time.



Mrs. Noll then moved the adoption of proposed Ordinance No. 04-10(R) that reads:

AN ORDINANCE TO APPROVE AN APPLICATION TO AMEND THE CONDITIONS OF APPROVAL FOR THE COLONY PINES PLANNED DEVELOPMENT TO BE CONSTRUCTED ON APPROXIMATELY 127.6 ACRES ON THE NORTH SIDE OF DENBIGH BOULEVARD (ROUTE 173)

WHEREAS, on January 7, 1993, the York County Board of Supervisors approved the Colony Pines Planned Development, to be located on approximately 127.6 acres of land located on the north side of Denbigh Boulevard (Route 173) and further identified as Assessor's Parcel Nos. 28-1, 28-2, and 28-4, subject to the conditions contained in Ordinance No. O92-35(R); and

WHEREAS, McCale Development Corporation has submitted Application No. PD-15-03, which seeks to amend those conditions by increasing the maximum permitted lot coverage for single-family detached homes in the development from 25% to 35% and by reducing the minimum distance between any two adjacent homes from 20 feet to 15 feet; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommended denial of this application as originally submitted; and

WHEREAS, following consideration by the Planning Commission and in response to concerns raised by the Commission and staff, the applicant has made significant modifications to the original request; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 1st day of June, 2004, that Application No. PD-15-03 be, and it hereby is, approved to amend Conditions E4 and E7 of Ordinance No. O92-35(R) to read and provide as follows:

#### **RESIDENTIAL AREA DESIGN PARAMETERS**

The minimum distance between any two adjacent single-family units shall be twenty feet (20') and no single-family home shall be placed within ten feet (10') of any side property line.

\* \* \*

7. The maximum lot coverage for all structures (principal and accessory) on any lot with a single-story residential unit shall be twenty-five percent (25%). The maximum lot coverage for all structures (principal and accessory) on any lot with other than a single-story residence shall be twenty-five percent (25%). For the following lots as depicted on the Development Plan titled "Colony Pines Subdivision Section One," prepared by Vanasse Hangen Brustlin, Inc., dated October 19, 2001, and revised July 30, 2003, the maximum lot coverage for all structures (principal and accessory) shall be 35% for single-story homes only: Lots 8 through 16, Lot 39, Lots 54 through 63, Lot 78, Lots 89 through 91, Lots 96 through 98, Lots 104 through 106, Lots 111 through 114, and Lots 121 through 122.

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On roll call the vote was:

Yea: (4) Bowman, Burgett, Zaremba, Shepperd  
Nay: (1) Noll

APPLICATION NO. ZT-87-04, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter made a presentation on Application No. ZT-87-04 to amend the York County Zoning Ordinance to allow single-family attached dwelling units to be eligible for the special building addition and accessory structure setback provisions currently limited to townhouse units. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 04-11.

Mr. Bowman spoke about the accessory structure, asking if a homeowner will still have to go through the association for approval if there is a homeowners association.

Mr. Carter indicated the homeowner would have to have the addition checked out with the homeowners association if one exists.

Chairman Shepperd then called to order a public hearing on Application No. ZT-87-04 which was duly advertised as required by law. Proposed Ordinance No. 04-11 is entitled:

AN ORDINANCE TO AMEND SECTION 24.1-403(g)(1) OF THE  
YORK COUNTY ZONING ORDINANCE TO ALLOW "SINGLE-  
FAMILY ATTACHED" DWELLING UNITS TO BE ELIGIBLE FOR  
THE SPECIAL BUILDING ADDITION AND ACCESSORY STRUC-  
TURE SETBACK PROVISIONS CURRENTLY LIMITED TO "TOWN-  
HOUSE" UNITS

There being no one present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mr. Bowman then moved the adoption of proposed Ordinance No. 04-11 that reads:

AN ORDINANCE TO AMEND SECTION 24.1-403(g)(1) OF THE  
YORK COUNTY ZONING ORDINANCE TO ALLOW "SINGLE-  
FAMILY ATTACHED" DWELLING UNITS TO BE ELIGIBLE FOR  
THE SPECIAL BUILDING ADDITION AND ACCESSORY STRUC-  
TURE SETBACK PROVISIONS CURRENTLY LIMITED TO "TOWN-  
HOUSE" UNITS

WHEREAS, Section 24.1-403(G)(1) of the Zoning Ordinance establishes certain special setback provisions for additions to townhouse dwelling units and structures accessory to townhouse units; and

WHEREAS, it has come to the Board's attention that the current wording does not allow such special setback provisions to apply to duplexes and multiplexes, both of which are "single-family attached dwelling units" as are townhouses; and

WHEREAS, in the interest of good zoning practice, the Board sponsored Application No. ZT-87-04 to amend Section 24.1-403(g)(1) to expand the special setback provisions to apply to all types of "single-family attached" dwelling units;

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends adoption of the proposed amendments; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 1st day of June, 2004, that Section 24.1-403(g)(1) of the York County Zoning Ordinance be, and it is hereby, amended to read and provide as follows:

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**Sec. 24.1-403. Standards for single-family attached dwellings.**

The following standards shall be required of all single-family attached developments. Evidence of compliance shall be demonstrated through preparation of a site plan in accordance with all requirements of article V.

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- (g) Each single-family attached dwelling unit shall have direct access to a private rear or side yard or patio area which should be enclosed or visually screened by fences, walls or plantings. Accessory storage sheds, fences, walls or other structures, designed and constructed at the time of development as an architecturally compatible addition to the dwelling unit, may occupy up to sixty (60) square feet of the required rear or side yard area. Such sheds shall not exceed six feet (6') in width nor ten feet (10') in depth and shall be located along one of the side lot lines in order to serve as a privacy screen and to maximize the usefulness of the remaining yard/patio area. Other provisions of this chapter notwithstanding, required yard setback dimensions shall be measured to the unit rather than to any attached accessory structure.

In addition to the above-described standards, the following provisions shall apply in the situations noted:

- (1) When the rear lot line of a single-family attached unit abuts a common open space strip of at least twenty feet (20') in width, or where the rear lot line faces the side lot line of an adjoining unit and is separated from it by a common open space strip of at least ten feet (10') in width, there may be, as a part of the original construction, or as a later addition, a single-story attached room, storage shed, patio enclosure, screened porch, awning, or other similar structure which projects into the required fifteen foot (15') setback by as much as ten feet (10'). No such extension shall be closer to a side lot line than otherwise authorized by the applicable dimensional regulations.
- (2) Detached single-story storage sheds or similar structures may be located within the required fifteen foot (15') rear yard area and along a side or rear property line provided that they do not exceed sixty (60) square feet in area, are located at least five feet (5') from the principal structure, and the rear lot line abuts a common open space area of at least twenty-five feet (25') in width.
- (3) For the purposes of administering the provisions set forth in Sections 24.1-403(g)(1) and (2) above, for a quadruplex lot or other residential lot in a multiplex grouping in which units are arranged back-to-back and side-to-side, no additions or accessory structures shall be permitted in yards that abut a public or private street or parking area.

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On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd  
Nay: (0)

#### **MATTERS PRESENTED BY THE BOARD**

Mr. Bowman stated he had spent time with students at York High School for Student Local Government Day. He noted it was a good experience and gave the Board members an opportunity to interact with the youth of the County. He indicated he also participated in student shadow day, and he had a very enjoyable time. Mr. Bowman stated another great group of students have been appointed to the York County Youth Commission for the 2004-2005 school year, and the County is very fortunate to have these very capable individuals representing its youth. He then addressed road matters, stating some overpaving has been done on Seaford Road during the last couple of weeks, and it will be a nice project once finished. Hurricane season officially started today and goes to November. Mr. Bowman spoke of the predicted above-average number of tropical storms to occur this year with six-eight hurricanes and with three projected to hit the United States. He reminded the citizens that the County's website provides information on hurricane preparedness, and it is not too early to start planning and putting an emergency kit together.

Mrs. Noll agreed that everyone needs to be prepared for what may happen this summer. She stated water is important, and should be included in any preparedness kit. Mrs. Noll stated she also enjoyed student shadow day, and she spoke of the tour they took around the County. She expressed her hope that next year the students could be involved for a longer period of time and perhaps come and sit with the Board members at a Board meeting. She spoke of the Memorial Day observance, and announced the winners of the Historical Committee's first "York County Remembers" contest. Mrs. Noll congratulated the student winners and all who participated, as well as the Historical Committee for sponsoring the contest.

Mr. Burgett stated he also enjoyed spending time with the students. He mentioned the Business Appreciation event at the Watermen's Museum which was very well done. He noted there are 5,100 licensed businesses in York County, which shows how much work has been done on economic development in York County.

Mr. Zaremba spoke of an article in the Daily Press on May 28 which indicated a national survey and study determined that York County ranked number 37 out of 3,141 jurisdictions in the country as one of the best places to live. He noted that James City County also placed in the top 50. He then spoke of the contributions of the youth to York County, stating it is the youth of the nation who sacrifice themselves to make sure the country is what it is today. He reminded everyone that the County will celebrate in Yorktown again on the 4th of July.

Chairman Shepperd stressed to the other supervisors, staff, and public, that the Board cannot get out its legislative program soon enough to the County's legislative delegation. The only thing that can be done to help the County is to get the state to help with its needs. Mr. Shepperd stated the entire Peninsula needs to push an effort for a homestead exemption which freezes the level of assessments and taxes for as long as someone lives in their home. He encouraged everyone to start writing to the newspapers and legislators and talking about it and get something moving. Mr. Shepperd then thanked the Historical Committee for the outstanding Memorial Day ceremony yesterday which was a true Norman Rockwell moment. He noted that Congresswoman Davis took a tour of the museum at York Hall, and she asked him if he knew the battlefield was once a golf course. He stated he was amazed at this information, and that there was also a 300-room hotel under construction just prior to the Depression.

#### **CONSENT CALENDAR**

Chairman Shepperd asked if the Board members wished to discuss any of the items on the Consent Calendar.

Mr. Zaremba noted the minutes in Item No. 5 indicated that Mrs. White is supposed to work with the Commissioner of the Revenue concerning the County receiving transient occupancy taxes from timeshares when they are used as hotel accommodations for one or two nights, and he asked for the status of this initiative.

Mr. McReynolds stated staff is working to see what the County's audit capabilities are with regard to transient occupancy tax being applied in that situation. He noted they are working with Mrs. Thomas as well as the County Attorney to explore and receive all the revenues due the County. Mr. McReynolds stated staff will make it a priority to provide the Board members with a time line.

Mrs. Noll, regarding Item No. 7, Funding for Arts Organizations, noted there is a \$500 contribution to the Williamsburg Regional Library. She stated she feels the project is very good, but it should be funded out of the existing funds contributed to the library. She suggested that since the program will be held at the schools, perhaps it can be funded by the School Division. Mrs. Noll stated she feels the Williamsburg Regional Library receives adequate funding from the County.

Mr. Burgett noted that Mrs. Myers was in the audience, and he asked her about the contribution of \$4,600 to the Jamestown/Yorktown Foundation. He noted the County already gives the Foundation a large sum of money.

Mrs. Sheila Myers, York County Arts Commission, explained that the Commission does not fund operational costs for any particular organization, but it funds programs. When the Board sees the Jamestown/Yorktown Foundation or the Victory Center as the proposed recipient of grant funding recommended by the Arts Commission, the funding is actually going to their programs. The Arts Commission makes these recommendations based on no knowledge of other requests from these organizations.

Discussion followed with Mrs. Myers explaining the rationale behind the recommendations of the Arts Commission.

Mrs. Noll indicated she would remove her objection to funding for the Williamsburg Regional Library, but stated she would not expect to see it funded again in future years.

Mrs. Noll then moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, 8, 9, 10, and 11, respectively.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Bowman, Burgett, Shepperd
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

#### Item No. 5. APPROVAL OF MINUTES

The following minutes of the York County Board of Supervisors were approved:

May 4, 2004, Regular Meeting  
May 11, 2004, Adjourned Meeting

#### Item No. 6. STREET NAME CHANGE: Resolution R04-72

A RESOLUTION TO APPROVE A REQUEST TO CHANGE THE  
NAME OF THE WESTERNMOST WILLIAMS CIRCLE, LOCATED IN  
THE HOLLY POINT SUBDIVISION, TO CLEARWATER COURT

WHEREAS, Charles E. Newbaker, III, on behalf of Greenfield Homes, has petitioned the County of York to change the name of the westernmost Williams Circle, a right-of-way extension located in the Holly Point Subdivision, to Clearwater Court; and

WHEREAS, Williams Circle, two right-of-way extensions, were initially approved and recorded on September 9, 1961, in the above-mentioned subdivision; and

WHEREAS, the access to both Williams Circle right-of-way extensions is off of Franklin Road, which is off of Holly Point Road; and

WHEREAS, Greenfield Homes is only interested in improving the most westerly Williams Circle right-of-way extension as a cul-de-sac for its proposed subdivision Clearwater Cove; and

WHEREAS, Section 20.5-79 of the Subdivision Ordinance requires that names of recorded streets shall not be changed except by resolution of the Board; and

WHEREAS, the proposed street name has been determined to be acceptable under applicable provisions of the York County Subdivision Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors the 1st day of June, 2004, that it does hereby approve a request to change the name of the westernmost Williams Circle right-of-way extension to Clearwater Court.

BE IT FURTHER RESOLVED that the County Administrator be and is hereby authorized to transmit said approval to all property owners on the westernmost Williams Circle, right-of-way extension, and to various County departments, the postmaster, public utilities, public service organizations, and private companies that may have an interest in this change.

Item No. 7. FUNDING FOR ARTS ORGANIZATIONS: Resolution R04-78

A RESOLUTION TO APPROVE FY2005 COUNTY AND STATE  
FUNDING FOR LOCAL ARTS ORGANIZATIONS

WHEREAS, the Board of Supervisors appropriated \$56,000 in support of local cultural arts organizations in the FY2005 budget and the County is expected to receive an estimated \$5,000 grant from the Virginia Commission for the Arts to supplement the County's appropriations for the arts; and

WHEREAS, the York County Arts Commission was appointed by the Board of Supervisors to review funding requests from cultural arts organizations and to make recommendations to the Board concerning the distribution of budget appropriations to the arts; and

WHEREAS, the Arts Commission has undertaken a careful and thorough review of all applications from arts groups, in some cases interviewing and otherwise observing and interacting with these organizations; and

WHEREAS, the Arts Commission has completed its review of the funding requests for FY2005 and has developed recommendations for funding allocations for each organization using the total available arts-related funds contained in the approved FY2005 York County Budget; and

WHEREAS, allocations from grant funding from the Virginia Commission for the Arts, will be made to the Fifes and Drums of York Town, the Yorktown Arts Foundation, All Things Bright & Beautiful, Virginia Symphony, Celebrate Yorktown Committee, Jamestown/Yorktown

Foundation and Peninsula Fine Arts Center upon receipt of those funds from the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of June, 2004, that the determination made by the York County Arts Commission be, and they hereby are, approved and that the following organizations receive funding in the following amounts under the York County Arts Commission Grant Program:

All Things Bright & Beautiful	\$ 800
Arc of Greater Williamsburg	\$ 1,200
Art Song Of Williamsburg	\$ 450
Celebrate Yorktown Committee/Christmas	\$ 1,100
Celebrate Yorktown Committee/Concerts	\$ 1,300
Celebrate Yorktown Committee/Symphony	\$ 1,700
Chesapeake Bay Wind Ensemble	\$ 200
City of Williamsburg	\$ 600
Community Alliance for Performing Arts	\$ 400
Coventry Elementary PTA	\$ 1,100
Cultural Alliance	\$ 400
Fifes & Drums of York Town	\$ 8,200
First Night of Williamsburg	\$ 750
Flute Frenzy	\$ 300
Institute for Dance	\$ 400
Jamestown/Yorktown Foundation	\$ 4,800
Peninsula Community Theatre	\$ 700
Peninsula Fine Arts Center	\$ 1,000
Publick Times Chorus of Sweet Adelines	\$ 1,800
Senior Center of York	\$ 200
Stage Lights	\$ 500
Theatre IV	\$ 2,000
This Century Art Gallery of Williamsburg	\$ 400
Virginia Opera	\$ 5,500
Virginia Shakespeare Festival	\$ 2,500
Virginia Stage Company	\$ 1,200
Virginia Symphony	\$ 2,650
Watermen's Museum	\$ 3,900
WHRO	\$ 800
Williamsburg Choral Guild	\$ 400
Williamsburg Consort	\$ 300
Williamsburg Music Association	\$ 1,000
Williamsburg Music Club	\$ 550
Williamsburg Players	\$ 800
Williamsburg Regional Library	\$ 500
Williamsburg Youth Orchestra	\$ 1,200
York River Orchestra	\$ 900
Yorktown Arts Foundation	\$ 5,900
Yorktown Chorale	\$ 600
Young Audiences	\$ 2,000
<b>TOTAL:</b>	<b>\$ 61,000</b>

Item No. 8. CHILD DEVELOPMENT RESOURCES (CDR), INC., SUPPORT AGREEMENT: Resolution R04-81

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A SUPPORT AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, PROVIDING \$170,539 IN ANNUAL FUNDING FOR THE OPERATION OF EARLY CHILDHOOD CARE AND DEVELOPMENT-

June 1, 2004

TAL SERVICE IN THE GRIFFIN-YEATES CENTER LOCATED ON  
GOVERNMENT ROAD

WHEREAS, it is in the public interest to continue to make available an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens; and

WHEREAS, Child Development Resources, Inc., a nonprofit Virginia corporation, has provided such services by operation of a program called First Steps;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of June, 2004, that the County Administrator be, and he is hereby, authorized to execute a Support Agreement approved as to form by the County Attorney with the Child Development Resources, Inc., for the operation of the First Steps program for the period July 1, 2004, until July 1, 2005.

Item No. 9. YORKTOWN ROTARY CLUB: Resolution R04-89

A RESOLUTION TO EXPRESS THE APPRECIATION OF THE  
YORK COUNTY BOARD OF SUPERVISORS TO THE YORKTOWN  
ROTARY CLUB

WHEREAS, the York County Board of Supervisors approved plans to develop additional recreational facilities at New Quarter Park so that more citizens can make use of and enjoy the beauty and natural resources of this park; and

WHEREAS, the Board's plans included adding more picnic shelters for groups; and

WHEREAS, on their own initiative, the Yorktown Rotary Club offered to purchase the materials and donate the labor to build a 20' x 28' picnic shelter for New Quarter Park that will be enjoyed by many people of all ages for years to come; and

WHEREAS, this donation of labor and materials is estimated to be in excess of \$10,000;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of June, 2004, that the Yorktown Rotary Club is hereby commended for their civic involvement and excellent workmanship in the completion of this project.

BE IT FURTHER RESOLVED that the Board of Supervisors finds the Yorktown Rotary Club's interest to improve the recreational opportunities and quality of life in York County to be a model of exemplary community service.

Item No. 10. EASTERN VIRGINIA MOUNTAIN BIKE ASSOCIATION: Resolution R04-90

A RESOLUTION TO EXPRESS THE APPRECIATION OF THE  
YORK COUNTY BOARD OF SUPERVISORS TO THE EASTERN  
VIRGINIA MOUNTAINBIKE ASSOCIATION

WHEREAS, the York County Board of Supervisors approved plans to develop additional recreational facilities at New Quarter Park so that more citizens can make use of and enjoy the beauty and natural resources of this park; and

WHEREAS, the Board's plans included adding more biking and hiking trails; and

WHEREAS, members of the Eastern Virginia Mountainbike Association volunteered over 1,000 hours to construct over five miles of mountain bike trails at New Quarter Park; and

WHEREAS, this donation of labor is estimated to be in excess of \$17,000;



NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of June, 2004, that the Eastern Virginia Mountainbike Association is hereby commended for their civic involvement and excellent workmanship in the completion of this project.

BE IT FURTHER RESOLVED that the Board of Supervisors finds the Eastern Virginia Mountainbike Association's interest to improve the recreational opportunities and quality of life in York County to be a model of exemplary community service.

Item No. 11. RENTAL SUBSIDY PROGRAM: Resolution R04-92

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT FUNDING AND CONTINUE TO IMPLEMENT RENTAL SUBSIDY PROGRAMS FUNDED THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY

WHEREAS, the Board of Supervisors has a long standing commitment to assisting the County's low and moderate income citizens in meeting essential housing needs; and

WHEREAS, the rental subsidy programs funded and administered through the U.S. Department of Housing and Urban Development and the Virginia Housing Development Authority provide annual outside funding that assists eligible County citizens;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of June, 2004, that the County Administrator be, and he is hereby, authorized to accept funding in the amounts offered the County by the Virginia Housing Development Authority (VHDA), execute any necessary grant agreement, contracts of other documents with VHDA and to participate fully in the Section 8 Voucher Rental Subsidy Programs for FY2005, provided that all documents shall be approved as to form by the County Attorney.

**NEW BUSINESS**

FUNDING FOR THE 4<sup>TH</sup> OF JULY CELEBRATION

Mr. McReynolds made a brief presentation on proposed Resolution R04-95 to approve a request for the allocation of revenues generated by lodging taxes intended to enhance tourism and tourism-related business in York County and appropriate the expenditures for the Yorktown July 4<sup>th</sup> Celebration event. He stated the committee does a great job in turning out the volunteers on the day of the celebration, but they are in need of volunteers for the planning stage. He noted there were a number of staff present to answer any questions the Board might have.

Chairman Shepperd asked who the public can contact if they wish to volunteer.

Mr. McReynolds stated they should contact the Public Information Office, and they will put them in contact with the proper person.

Mr. Zarembo asked what was the total request and what was last year's allocation.

Mrs. Marycarol White, Director of Financial and Management Services, stated the total request for this year is \$50,000, but staff is not recommending \$10,000 that was requested to purchase a gator and medic cart, feeling it is not appropriate use of the transient occupancy tax funding. She noted the equipment could be purchased in the future by the County using other funds. Last year the total amount was \$28,000.

Mr. Zaremba asked for the rationale behind the increase this year.

Ms. Cheryl Sonderman, Recreation Manager, stated staff went out to bid for some of the equipment, and the prices have gone up significantly. She also noted that staff has been added to man the event.

Mr. Burgett moved the adoption of proposed Resolution R04-95 that reads:

A RESOLUTION TO APPROVE A REQUEST FOR THE ALLOCATION OF REVENUES GENERATED BY LODGING TAXES INTENDED TO ENHANCE TOURISM AND TOURISM-RELATED BUSINESS IN YORK COUNTY AND APPROPRIATE THE EXPENDITURES FOR THE YORKTOWN JULY 4<sup>th</sup> CELEBRATION EVENT

WHEREAS, the Board has received a request for funding of the Yorktown July 4<sup>th</sup> Celebration event from the funds generated by the additional 3% lodging tax enacted on July 1, 1996, which, according to the enabling legislation, are to be spent for promoting tourism, travel, or business that generates tourism and travel; and

WHEREAS, the July 4<sup>th</sup> Celebration is an important annual event for County residents and visitors to Yorktown and the Board has carefully considered the potential for the proposed program to generate increased visitation and expenditures in York County and Yorktown;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of June, 2004, that, the following request for funding be, and it is hereby, approved from the FY2004 tourism-designated lodging tax revenues and the expenditures be, and it is hereby appropriated in the Tourism Fund:

Yorktown July 4 <sup>th</sup> Celebration	\$40,000
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On roll call the vote was:

Yea:	(5)	Noll, Bowman, Burgett, Zaremba, Shepperd
Nay:	(0)	

**CLOSED MEETING.** At 10:14 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; and Section 2.2-3711(a)(3) pertaining to the disposition of publicly owned property.

On roll call the vote was:

Yea:	(5)	Bowman, Burgett, Zaremba, Noll, Shepperd
Nay:	(0)	

Meeting Reconvened. At 10:45 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of June, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd  
Nay: (0)

#### APPOINTMENT TO THE YORK COUNTY WETLANDS BOARD

Mr. Shepperd moved the adoption of proposed Resolution R04-93 that reads:

##### A RESOLUTION TO REAPPOINT A MEMBER OF THE YORK COUNTY WETLANDS BOARD

WHEREAS, the term of David A. Rolston on the York County Wetlands Board expires on June 30, 2004; and

WHEREAS, Mr. Rolston has indicated he wishes to be reappointed to the Wetlands Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of June, 2004, that David A. Rolston be, and he is hereby, reappointed to the York County Wetlands Board for a term of five years beginning on July 1, 2004, and expiring on June 30, 2009.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd  
Nay: (0)

#### APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF YORK COUNTY

Mr. Burgett moved the adoption of proposed Resolution R04-94 that reads:

##### A RESOLUTION TO APPOINT ONE MEMBER TO THE YORK COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

WHEREAS, on June 30, 2004, the term of Bradley E. Berrane on the York County Industrial Development Authority will expire;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of June, 2004, that Bradley E. Berrane be, and he is hereby, reappointed to the York County Industrial Development Authority for a term of four years, such term to begin July 1, 2004, and expire June 30, 2008.

June 1, 2004

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd  
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY PLANNING COMMISSION

Mr. Bowman moved the adoption of proposed Resolution R04-82 that reads:

A RESOLUTION TO APPOINT TWO MEMBERS TO THE YORK  
COUNTY PLANNING COMMISSION

WHEREAS, the Planning Commission terms of Robert D. Heavner and Alfred E. Ptasznik, Jr. will expire on June 30, 2004; and

WHEREAS, the Board desires to make two appointments to fill the seats;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of June, 2004, that it appoints the following individuals to the Planning Commission, each to serve a term that begins July 1, 2004 and expires June 30, 2008.

District 3

John W. Staton

District 5

Alfred E. Ptasznik, Jr.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd  
Nay: (0)

USE OF THE \$2.00 ADDITIONAL TRANSIENT OCCUPANCY TAX (Not on Agenda)

A brief discussion ensued concerning the General Assembly giving the localities authority to impose an additional \$2.00 transient occupancy fee on each hotel room night. It was specified by the legislation that a committee of 11 with representatives from each of the local governments and organizations involved would be established to review and decide on uses for the additional revenue from this additional tax.

By consensus, the Board agreed that Mr. Zaremba would serve as York County's primary member on the committee, and Mrs. Noll would serve as alternate.

Meeting Adjourned. At 10:52 p.m. Mrs. Noll moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd  
Nay: (0)

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James O. McReynolds, Clerk  
York County Board of Supervisors

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Thomas G. Shepperd, Jr., Chairman  
York County Board of Supervisors